IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.1048/99

Krishna Kumar Kabra & Anr.

Versus

Additional Collector (Stamps) & Ors.

DATE OF ORDER :: 16/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Inderjeet Singh, for petitioners
Mr. J.K. Agrawal, Addl.G.A.]
Mr. O.P. Jhajhria for] for respondents
Mr. Praveen Balwada]

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Petitioner No.2 is presently residing at Flat No.403, Block C-6, Kamal Apartments, Bani Park, Jaipur and respondent Nos.2 & 3, who are landlords, filed a regular suit for eviction which was decreed in their favour vide judgment dated 8th May, 2002 – against which petitioner No.2 preferred a Regular First Appeal No.246/02, which was decided on 16th September, 2004 with the direction that she will hand over the vacant possession of the suit premises on or before 31st May, 2008 and will pay the arrears of rent, if any, within one month from today to the landlords and she will continue to pay the monthly rent till vacant possession is handed over and will not create any third party interest in the suit premises.

Instant petition has been filed wherein it has been prayed that respondent-State may be

directed to open the seal or lock of the Flat No.403, Block C-6, Kamal Apartments, Bani Park, Jaipur which under the interim directions of this court was opened and possession was handed over to petitioner.

In view of order passed by this court in Civil First Appeal No.246/02, petitioner may not be disturbed from her peaceful possession in terms of order i.e. 16th September, 2004. However, respondent-State will be free to proceed against respondent Nos. 2 & 3 in accordance with law.

With the above observations, the writ petition stands disposed of.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.